

Board of Selectmen
July 11, 2007

Present: Panny Gerken
Curt Plante
Kenneth F. Troup

The Board of Selectmen met at the Town Hall at 7:00 p.m.

WARRANT

#08-1A	\$162,258.83
#08-1	\$ 18,927.32
#07-27	\$110,405.54
#07-27A	\$ 80,569.71

AGRICULTURAL COMMISSION

Present: Joe Kovac, Marta Moran, Neal Heeren

The Board of Selectmen interviewed Mr. Kovac, Ms. Moran and Mr. Heeren for the Agricultural Commission.

Mr. Kovac has lived in Bolton for 9 years. He is a part-time farmer with a small farm with 61a status. He has a small flock of sheep, chickens, goats and he raises rabbits. He is a 4-H leader and is active with the Bolton Fair Committee. He feels he could bring good managerial skills to the Commission and was the chairman of the Agricultural Steering Committee.

Ms. Moran has worked in sales and is presently going to Quinsigamond Community College to be a sign language interpreter. She has lived in cities most of her life but she loves Bolton. She has two horses but she does not consider herself to be a farm. She feels that her people skills and her care for Bolton can bring a lot to the Commission. Mr. Heeren is an attorney. He has chickens and geese and considers himself to be a farmer. He feels that his experience with mediating would be beneficial to the Commission in working out agreements that everyone would be happy with.

Mr. Plante stated that the Agricultural Commission will be asked to settle disputes from time to time and asked how they would resolve a dispute between parties.

Mr. Heeren felt that both sides should be heard and hopefully the parties involved would be willing to give and take to come to an agreement that everyone would be happy with. Ms. Moran stated that she dealt with a situation with her neighbor when she moved to Bolton. After the surveying of her property she found her horses were too close to the neighbor's property than she had expected. Ms. Moran stated that they worked out a solution to keep the horses in an area further from the neighbor's property. Mr. Kovac stated that he has also dealt with a situation with his neighbors regarding his chickens and worked out a solution to prevent any further problems. He stated it was very important to understand and listen to both sides and help each other to get a better understanding of the issues and other perspectives.

Ms. Gerken stated that additional interviews were being scheduled for the next Board of Selectmen's meeting and a decision would then be made.

Mr. Kovac stated that the State provides training for the Agricultural Commission which is scheduled for September.

HOT DOG TRUCK

Present: Deborah Gledhill

Ms. Gledhill met with the Board of Selectmen to discuss her proposal to operate a mobile hot dog truck/concession van in the town of Bolton. Ms. Gledhill would like to keep it simple and at the same time provide the needs to parents who are running constantly with their children. She is interested in Forbush Mill Road soccer fields, the lacrosse field near Route 495 and the little league field on Wattaquadock Hill Road. Ms. Gledhill stated that she has talked with Tom Pokorney regarding her proposal. Ms. Gledhill stated she is always concerned about traffic and would like to be able to pull over at the very end of the driveway entering the lacrosse field in an area where she would not be blocking traffic. She would like to be able to park in the far corner of the parking lot at Wattaquadock Hill Road fields.

Mr. Krysa, Building Inspector stated that the soccer fields at Forbush Mill Road are located in a residential zone and retail services is not allowed either wholly or partially outside a building. He also stated that the concession at the Main Street location would be located in a limited business zone and a special permit may be required.

Mr. Troup did not see the proposal as a zoning issue. He had more concern with the van being in the way.

Mr. Plante suggested the proposal be taken under advisement until they received an opinion from Park/Recreation on the proposal. One of the concerns he has is that he sees it being a conflict for some of the parents that sell food at the games to raise money for the programs.

Ms. Gledhill stated she did not want to infringe on anyone.

Ms. Ross stated that Ms. Gledhill must apply for a license from the State and also obtain the appropriate licenses from the Board of Health along with a hawkers peddlers and common victualer license from the Board of Selectmen.

Ms. Ross will talk with the Park & Recreation Commission for their opinion regarding the proposal. At the same time, Ms. Gledhill will move forward with her license from the State as the Town of Lancaster has approved Ms. Gledhill's proposal for a hot dog truck/concession van. A meeting will be scheduled with the Board of Selectmen once this information has been obtained.

TOWN ADMINISTRATOR REPORT

Bollards: Ms. Remington informed the Board of Selectmen that 12 more bollards have been ordered.

Library Parking Lot: The DPW has installed solar powered lights on one side of the parking area for the library. The lights will be evaluated for some time to see if they provide enough lighting. Ms. Ross suggested that the Selectmen take a look at the lights when they pass by the library.

Bonazzoli property: Ms. Ross reported that Loitherstein met with the Conservation Commission for approval of work at the South Bolton Road site. The Commission's approval was based on the test pit locations being identified with a Conservation Commission member present. The Conservation Commission requested the work be done in the fall when the leaves and poison ivy would be gone. Mr. Plante is concerned with the ground water in the fall and he felt the summer would be a better time to do the testing. Ms. Ross agreed to talk with Ms. Gumbart regarding this. Ms. Ross reported that Mr. Bonazzoli is working on the Title search.

Town Planner: Ms. Ross regrettably reported that Nat Tipton, our Town Planner has given his resignation to take a position with the State Department of Conservation. His last day will be July 25, 2007. An ad will be drafted for review by the Planning Board and Board of Appeals. The ad will be run in the Bolton Common, Telegram and Gazette and the Boston Globe.

Ms. Gerken would like to be on the interview committee.

Sidewalk Project: Varandas & Sons Construction will be installing the sidewalk from 600 Main Street (Bolton Country Manor) to 626 Street (the Salt Box property).

Construction is scheduled to begin the week of July 16, 2007. They plan to work around the traffic hours and a special duty officer will be on duty.

PUBLIC SAFETY SPACE NEEDS/SIZE/PROJECT

Present: Architect Brian Humes, Police Chief Alfano, Margy Diaz, David Farrell, John Mentzer, Dina Rich, Advisory Committee members David Lindsay, Todd Koelling, Jeanne Shapiro and Burt Shnitzler

Chief Alfano introduced Brian Humes, the Architect hired to provide preliminary architectural plans and cost for the building. Chief Alfano stated that the Task Force would like to be 100% sure that the Board of Selectmen and Advisory Committee are comfortable with the space needs plan. The Public Safety Building Task Force is looking for guidance from the Board and Committee as to how much they think the town can afford. Chief Alfano stated that it is important to be prudent with the planning to put together what we feel is the best needs for the departments for the next 50 years.

Everyone was in agreement that a facility for the three departments – police, fire and ambulance – was needed. At present the fire department needs more space, the ambulance does not have any space, and the police department is long over due.

The mission was to put the needs and design together to come up with a plan so that the cost could be determined. Mr. Humes was contracted to draw and cost out the plan. Mr. Troup stated that he is comfortable with the information provided so far. He does not have a number that the town could afford and would like to get a better sense of the project cost before considering any cut backs.

Mr. Plante stated that the town was being faced with two different questions - willing to afford versus can we afford? He referred to town meeting disapproval of a proposed police station twice over the years. No matter what price, it failed. Mr. Plante thought the space needs plan was thorough and pretty accurate for Bolton 50 years out but felt the scope of the project had grown. He did not feel we needed a 19,000 square foot facility. In an effort to reduce the cost for taxpayers, he provided everyone with an assessment of the space he felt should be moved to Phase 2 of the project. In summary, he reduced the police facility by 1,575 square feet and the EMS/Fire facility by 2,575 for a total of 14,760 for the new facility. Items deferred to Phase 2 included a small conference room, bicycle and motorcycle storage. Mr. Plante also had suggestion to pare down the HVAC and communications area equipment. Mr. Plante offered to meet with the Task Force to review his assessment in detail.

Mr. Lindsay, Chairman of the Advisory Committee didn't think people were looking for taxes to go down, and were willing to accept higher taxes as long as they did not go up faster than personal income.

Chief Alfano stated that we have to play catch up and bear the burden of upgrading some of the facilities. We can't keep delaying a lot of projects. Massachusetts General Law requires all towns with population of 5,000 to have lock up facilities. There is a grant available and we could certainly be eligible but the grant is subject to approval of town meeting for matching funds.

Mr. Humes stated this is the first time in 20 years that the State has put up any reimbursement money for police departments and they are not sure about the program for the future. Mr. Humes stated he will not lose sight of the fact that there is a need but at the same time understands the need to be fiscally responsible.

Mr. Shnitzler, Advisory Committee member agreed that plans needed to be provided first so that the cost could be determined and then pare down if needed. He would much rather spend the money now to fill the needs than to build an inadequate building. Ms. Shapiro, Advisory Committee member did not think preparing plans first to find it was too expensive was appropriate. Mr. Koelling, Advisory Committee member stated that he has high respect for the police, fire and ambulance departments but that the negative feedback he gets is the increase in taxes.

Mr. Humes stated that a typical police facility costs from \$250 to \$300 per gross square foot for hard costs and another 30 percent for soft costs plus a contingency to add. Mr. Lindsay was concerned with the timing and if there was enough time to prepare a plan, review and pare down if needed before the special town meeting November 5, 2007. Mr. Humes was not so much concerned with timing but was more concerned about entering into a contract for specific scope of work and not having the contract cover the extent of the work. Mr. Lindsay suggested a cap on the cost of the project although Mr. Troup did not think a cap was appropriate and encouraged moving forward immediately to prepare a plan and costs so that we are prepared for town meeting.

Ms. Ross stated that if the Advisory Committee and Board of Selectmen felt they could support a \$6 million project Mr. Humes should move forward to prepare a plan. If they can not, she recommended that Mr. Plante's assessment of what could be moved to Phase 2 be looked at.

Mr. Giunta stated that they had already spent time paring down the space needs and he did not want to be part of the decision to present a \$3-4 million project to taxpayers to have a building not meet the needs of the end user. He asked for the trust in the Task Force to return a building at a price the taxpayers will support and our public safety services can live in.

Chief Alfano reiterated the need to have unanimous support from the Board of Selectmen and Advisory Committee. The Board of Selectmen recommended that the Task Force meet with Mr. Plante to review his assessment in detail. The Task Force will meet with Mr. Plante after the Board of Selectmen meeting this evening and will reconvene on July 25th to continue discussions.

On a motion made by Troup and seconded by Plante, the Board of Selectmen voted to execute the contract between the town of Bolton and Jacunski Humes for the design and cost estimate for the public safety building. (Gerken – yes, Plante – yes, Troup – yes)

RELOCATABLE LEASE

Present: Bob Johnson

Mr. Johnson met with the Board to discuss their proposal related to the lease of the relocatable. Mr. Johnson's feeling is that they should at least be paying rent that is within reasonable commercial rates. Mr. Johnson stated that the mold test was conducted this morning and the results should be available in approximately two weeks. There is mold on the outside of the building which does not appear to be as much of a concern as the mold on the inside of the building. There is mold along the area beneath the windows and in the walls and baseboards of the bathroom. The ceiling panels are moldy and drooping because of water damage. Ms. Ross suggested that BatCo come back to the Board of Selectmen in August after the mold report and costs associated with repairs are received. From a location and size standpoint the relocatable building is a good fit for Batco but there is concern with the cost of repairs. Mr. Johnson asked the Board if they were favorable to his proposal which was that the town offer BatCo a five year lease for

half of the building at \$100 per month. With the estimated \$15,000 for renovations this would equal \$350 per month which Mr. Johnson felt was in the commercial range. The Board of Selectmen stated that the lease is for entire building. Any subleasing to other agencies would be up to BatCo. Ms. Ross stated that she does not believe the Board would want to get into trading construction for lease because they would then have to get into paying prevailing wages. Ms. Ross stated the Board's proposal was for a three year lease for the entire building, with no rent the first year and \$200/month for the following two years. With an estimated \$15,000 for renovations this equaled \$550 per month. Ms. Ross stated that once we have a mold report the mold issues must be addressed. It was agreed that BatCo will meet with the Board of Selectmen in August once the mold results are received.

SCHOOL SPACE NEEDS

Ms. Gerken reported that she met with Superintendent Wood and when the 1972 wing renovation was done the Committee felt that the 1922/1952 could be approached the same way. Since then there has been changes to the State and school assistance requirements. The State has also recognized the 1972 as an approved school facility. Therefore, the idea of building a new building in place of the 1972 section will probably not be agreeable to the State. It is Superintendent Wood's feeling that we could not do it without going through the basic requirements of the State. The good news is that reimbursement is at 45%, but the bad news is there is approximately 100 other projects ahead of us. There isn't any determination at this point how the reimbursement affects us. A number of people have agreed to serve on the Committee but there are also requirements that the Superintendent and the Town Administrator be included. The Superintendent is going through this process right now with Stow. Superintendent Wood is preparing a statement of interest that will be submitted to the State. The State will then provide the process for going forward. Ms. Gerken anticipates we are looking at the fall before this starts moving and she will know more once we know the State requirements.

Mr. Troup questioned whether we had to meet any State requirements if we were not looking for reimbursement. Ms. Gerken stated that the requirements were not clear and all options would be looked at. Mr. Troup also questioned whether it changes the view of renovating as a school or does it become more viable for the town to use. Mr. Plante said that the back in the 1990s the State would not fund the addition/expansion/renovation of Emerson School because the 1922 was a wood frame structure and the cost of the renovation of Emerson School closely matched that of a new building. Mr. Troup cautioned committing to a state project that doesn't make sense. Ms. Gerken stated that until more data is received no point in discussing this any further.

INSURANCE ADVISORY COMMITTEE

Ms. Ross stated that the Insurance Advisory Committee has completed their charge which was to research the effect on town employees and town retirees of the adoption of MGL Chapter 32B, Section 18, which requires the mandatory transfer of town retirees from the active health insurance plans to Medicare extension plans. Ms. Ross recommended that a new charge be assigned to the Insurance Advisory Committee. The

Board of Selectmen recommended that the Insurance Advisory Committee draft their own charge for review by the Board.

EMT/FIREFIGHTER DAVID FARRELL

The Board of Selectmen received a request from David Farrell, full time EMT/Firefighter asking them to consider lowering the minimum hours worked in a 28 day work period for the firefighters under Section 7(k) of the Fair Labor Standards Act. Mr. Farrell provided a spreadsheet that showed the hours he worked in a 28 day work period since he was hired which never reached the 212 hours the Board of Selectmen established has hours to work before being paid overtime. He does get call back time at a straight time rate. He asked the Selectmen review and lower the amount of hours he has to work in excess to get overtime. A spreadsheet of comparable towns was also provided that showed when the town pays overtime which is on a weekly basis.

Ms. Ross stated she spoke with the Fire Chief and the Ambulance Director regarding Mr. Farrell's request. The Ambulance Director supported the request and the Fire Chief did not have a real problem with it but had not given Ms. Ross a final answer. He felt Mr. Farrell answered many calls when he was off duty. The Board of Selectmen took under advisement.

SPECIAL TOWN MEETING

On a motion made by Troup and seconded by Plante, the Board of Selectmen voted to call a special town meeting for Monday, November 5, 2007 at 7:00 p.m. at the NRHS auditorium. (Gerken – yes, Troup – yes, Plante – yes) The special town meeting calendar has been prepared and will be shown to Betsy Cussen, Town Clerk for her review. The Board of Selectmen agreed that the September 15, 2007 date is most important and if people need a little more time in August they would like to be a little flexible.

MAIN STREET SIDEWALKS

Mr. Plante stated that over the past couple of weeks while driving through town he has noticed that it has been difficult for mothers and their babies to walk on the sidewalks along Main Street because of the wine barrels that are blocking the sidewalks. Mr. Plante stated he has asked the Public Ways Safety Committee to address this issue and it has not been addressed. He would like the Board of Selectmen to decide if they will take action on this. The Board of Selectmen agreed to research the requirements of the postal service.

APPOINTMENTS

Public Ways Safety Committee: On a motion made by Troup and seconded by Plante, the Board of Selectmen voted to appoint Rob Hagopian to the Public Ways Safety Committee, term expiration June 30, 2010. (Gerken – yes, Troup – yes, Plante – yes)

Election Workers: On a motion made by Plante and seconded by Troup, the Board of Selectmen voted to appoint the following election workers, term expiration June 30, 2008. (Gerken – yes, Troup – yes, Plante – yes)

Christine Alfano, Gail Amabile, Kathleen Barry, Alice Coggeshall, Anne Dilling, Joanne Edmunds, Gloria Fiamingo, Pam Kaminski, Deborah Kellett, Sallyann King, Phyllis Langberg, Elizabeth LeBlanc, Jean Lord, Christie Mayo, Judy McAfee, David McKinley, Jean McKinley, Joyce Miller, Cia Ochsenbein, Jack Quinlan, Alice Roemer, Nancy Skinner, Diane Swenson, Isabel Wells, Jean West, Elaine Wetzels, Barbara Wheeler and Thomas Wildman.

DISCUSS RECORDING PUBLIC MEETINGS

Mr. Plante recommended that we start the fiscal year off with all public meetings being recorded, whether video taped or tape recorded for sound. This would help to make all meetings run more professionally and have everyone be accountable for what they are saying. This would be in addition to the minutes taken. Mr. Troup stated that one of BatCo's goals is to increase coverage but he was not sure they would be able to start videotaping all meetings at once. Discussion was deferred to next meeting.

Meeting adjourned at 9:30 p.m.